

No. 5155 號五十八百一千五第 日七十月五年戌甲治同 HONGKONG, TUESDAY, 30th JUNE, 1874. 二拜禮 號十三月大英 港香 [Price \$24 per Month.]

O, 1938 ... 1 case do.
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 O 259/83
 Hongkong, 12th June, 1974

THE CHRONICLE & DIRECTORY

FOR 1874.

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THE

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(Designed especially for this work)

MAPS OF HONGKONG, JAPAN,

and of the

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ALSO, THE

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is, however, alleged in defence of the prisoners that the crime was within the Municipal jurisdiction of the Chinese, and the case is adjourned at this stage. Then, and not till then, the Chinese authorities make application for the prisoners, and the Executive decide to give them up.

The Attorney-General accordingly withdrew from the case, expressing some doubt whether it could be supported under the information which laid the crime as piracy on the high seas; but at the same time he declined to amend the indictment, as the Executive had already decided to give the men up.

Whatever might be the precise legal hearing of the matter, it cannot be denied that this proceeding is, to the last of it, somewhat unusual. The question whether the men ought to be given up was a legal question which arose while the case was before the Court, and ought assuredly to have been decided by the Court and by the Court alone. It is clear that the Chinese authorities applied for the men simply to get them out of their difficulty, and only when they heard of their being already before the Supreme Court here, and as the matter had already come forward before the Chinese Justice, it would surely have been more seemly to have left him to decide whether he had jurisdiction or not. Apart altogether from the general undesirability of the Executive interfering in legal proceedings, there are special reasons why such should not be done in cases where the Chinese are concerned; and it would, perhaps have been possible, so to say, to give the Court a slap in the face in a more palpable manner than has been done in this case. There were two distinct points on which the question depended—the one of fact and the other of law—first, whether the men amounted to piracy *quod genus*, and secondly, whether the general right of jurisdiction in cases of piracy *quod genus* is modified by the fact that the act is committed within the jurisdiction of another power. The purely legal point is of the most important and interesting nature, and the one of mixed law and fact is scarcely less so, as it is very desirable that the precise elements of piracy *quod genus* should be understood. It is generally understood that courts of law and judges are meant to decide points of this description, and not Executive Councils, and seeing that the case was already before the Supreme Court, it is very surprising to find the Executive interfering in between the evidence and the decision. It would clearly have been much more satisfactory that the point involved should have been settled by the Court in place of the Executive, unless we are to conclude that criminals are to be given up to the Chinese upon diplomatic grounds instead of upon legal grounds.

The incoming French mail left Saigon on Sunday.

It is reported that the gunboat *Tenar*, from Hongkong, has passed through the Canal.

The *Canton* left Shanghai on the 27th inst., and the *Cathay*, from Hongkong, arrived at that port the same day.

The *Malacca*, bringing the next English mail, left Singapore for Hongkong at 3 a.m. on Saturday, 27th inst.

Our *Maeco* correspondent states that, during the late war, the Portuguese Minister of Marine has drawn up an elaborate report upon the capture of the *Maeco*, both before and after the reasons for abolishing the *Maeco* migration.

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